

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**CORR WIRELESS
COMMUNICATIONS, L.L.C.
CELLULAR SOUTH, INC., and
CELLULAR SOUTH LICENSES, LLC**

PLAINTIFFS

vs.

CIVIL ACTION NO. 3:12-cv-036-SA-SAA

**AT&T, INC., AT&T MOBILITY LLC,
MOTOROLA SOLUTIONS, INC.,
MOTOROLA MOBILITY, INC.,
QUALCOMM INCORPORATED, and
JOHN DOES 1-10**

DEFENDANTS

**MOTOROLA'S RESPONSE IN OPPOSITION
TO PLAINTIFFS' MOTION TO AMEND COMPLAINT**

Defendants Motorola Solutions, Inc. and Motorola Mobility LLC (f/k/a Motorola Mobility, Inc.) (collectively, "Motorola") submit this Response in Opposition to Plaintiffs' Motion to Amend Complaint [Doc. No. 105], and request that the Motion be denied in its entirety. As explained in Motorola's Memorandum Brief in Support of Motorola's Response in Opposition, denial of Plaintiffs' Motion is warranted because further amendment of the complaint would be futile.

This Response in Opposition is based on the accompanying Memorandum Brief, the supporting Declaration of Chahira Solh ("Solh Declaration"), Defendant AT&T Mobility LLC's Response in Opposition and the Memorandum of Law submitted in support thereof, Defendant Qualcomm Incorporated's Response in Opposition and the Memorandum of Law submitted in support thereof, and all other documents submitted in support thereof, as incorporated by reference hereby; the pleadings, records, and papers already on file in this action and those filed herein, and such other matters and oral argument as may be presented at any hearing on Plaintiffs' Motion.

Motorola hereby requests that the Court take judicial notice of the documents described below and attached to the Solh Declaration, which is Exhibit 1 to this Rebuttal. Motorola makes this request pursuant to Rule 201. The document must be one “not subject to reasonable dispute” in that it is generally known or capable of determination by resort to an unimpeachable source. Fed. R. Evid. 201(b). Rule 201(d) provides that the court “shall take judicial notice if requested by a party,” as long as the court is “supplied with the necessary information” to show that the matter is subject to judicial notice. Rule 201(f) provides that judicial notice may be taken at any stage of the proceedings.¹

1. **Exhibit A:** 3GPP Working Procedures, Article 10.
2. **Exhibit B:** *3rd Generation Partnership Project; Technical Specification Group Radio Access Network; User Equipment (UE) radio transmission and reception (FDD) (Release 7).*

WHEREFORE, PREMISES CONSIDERED, Motorola requests that the Court deny Plaintiffs’ Motion and enter a judgment dismissing Plaintiffs’ Complaint with prejudice.

Dated: October 18, 2012

Respectfully submitted,

s/ Jim M. Greenlee
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¹ The subject documents are authenticated by the Solh Declaration, attached hereto as Exhibit 1.

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CERTIFICATE OF SERVICE

I, JIM M. GREENLEE, of the firm of HOLCOMB, DUNBAR, WATTS, BEST, MASTERS & GOLMON, do hereby certify, that on **October 18, 2012**, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to the following:

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Dated this, the 18th day of October, 2012

s/ Jim M. Greenlee
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